



LEAGUE OF WOMEN VOTERS®

WISCONSIN

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To: Assembly Committee on Criminal Justice and Public Safety

Re: Opposition to Assembly Bill 48

The League of Women Voters of Wisconsin opposes AB48. We base our opposition on three important points: 1) this bill incorrectly redefines the parameters of victims of "hate speech" to an area of employment; 2) it risks raising public fear of institutions that exist to protect people; 3) it undermines efforts to address serious issues of racial equity in our criminal justice system.

AB 48 incorrectly redefines "hate speech"

Foremost to public safety is respect for individuals and groups who are among the most vulnerable in our communities. These include members of ethnic, gender, sexual orientation, disability, racial and religious groups who are protected from "hate speech." We recall the debate over First Amendment rights when "hate speech" was introduced, and the U.S. Supreme Court ruling in 1942. The Wisconsin Supreme Court in 1993 upheld the term "hate crime" as pertaining to individuals suffering from discriminatory, bias-motivated actions.

"Hate crime," thus, pertains to words and actions that may cause harm to an individual or a group of individuals. This legislation, unfortunately, would expand the present definition of vulnerable groups or individuals who could be victims of a "hate crime" to include a specific occupation.

As we know, "hate crime" is a category that allows for harsher penalties. Any punishment for wrongdoing would increase, if it were shown to have been driven by hatred. This bill is very troubling because adding a specific "occupation" to that list of vulnerable groups undermines the intent of "hate crime" legislation, as it is currently understood. By tinkering with intention, we might find that our higher court would hold that AB48 flies in the face of First Amendment rights. But above all of these concerns is the potential to cause increased distress between and among community members who are striving to create better pathways for understanding, respect and cooperation.

AB 48 risks raising public fear of institutions that exist to protect people

The League opposes any legislation that may raise public fear of institutions that were created to serve and protect the people. The League supports protection of society through deterrence, incapacitation and reform. Currently, there is much legislation in existence to provide protection to individuals in regard to all levels of crime. While we are indebted to our public safety officers and are concerned about the risks involved in their work, we oppose this bill because there are already significant general criminal laws with strong penalties that will punish those who would harm police officers or members of their families.

AB 48 undermines efforts to address racial inequity in our criminal justice system

We affirm that there is a great need to address the urgent problems facing our most vulnerable community members. We also understand deeply the pressing need to establish trust between police officers in our criminal justice system and those whom they pledge to protect.

Let us turn to our contemporary scholars in criminal justice reform to capture the underlying importance of trust between the police and “minority” communities—which, we believe, this legislation would ultimately and, perhaps, irrevocably, harm.

Prominent scholars Marc Mauer and Nazgol Chandnoosh (October 2014, the Sentencing Project) underscore a common reality – that many youth of color often perceive the police as a hostile institution that is impeding their life prospects. This perception, in turn, affects their willingness, as well as that of others in their communities, to cooperate with law enforcement in crime-reducing activities. We are concerned that cases of racial profiling, resulting from the poor decision-making functioning of implicit bias and the effects of unconscious or unintentional stereotypes – harm the very values we cherish in our society. We must be vigilant to ensure that these dismal perceptions are not allowed to breed animosity among the good people of Wisconsin.

Lastly, community trust is not only fundamental to public safety but it is essential to preserving our democracy. It is our hope that you will join us, and the communities that we serve throughout the state, to diligently develop inroads among populations currently suffering from poverty, neglect and underrepresentation with respect, diligence and the promotion of full equality. We urge you to reject this bill.